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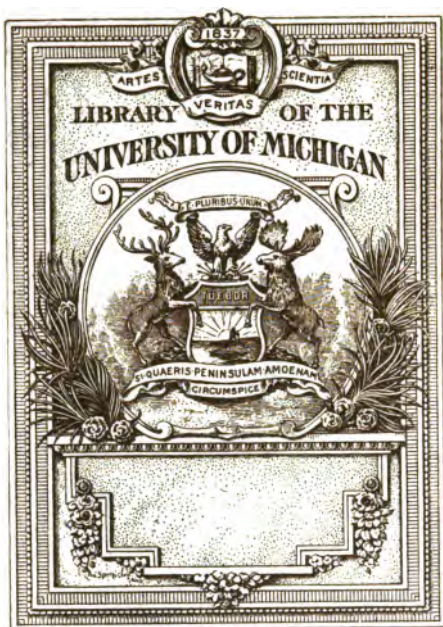
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THE GIFT OF

Franklin + Marshall College

LD

1871

F17

CHARTER

OF

and Marshall
Franklin College, Lancaster, Pa.

PUBLISHED BY RESOLUTION OF THE BOARD,

Passed, 19th October, A. D. 1837,

LANCASTER:

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BRYSON & FORNEY, Printers.

—◆—
1837.

AN ACT

TO INCORPORATE AND ENDOW THE GERMAN COLLEGE
AND CHARITY SCHOOL, IN THE BOROUGH AND COUNTY
OF LANCASTER, IN THIS STATE.

SECTION 1. Whereas the citizens of this State of German birth or extraction, have eminently contributed, by their industry, economy and public virtues, to raise the State to its present happiness and prosperity: And, Whereas, a number of Citizens of the above description, in conjunction with others, from a desire to increase and perpetuate the blessings, derived to them from the possession of property and a free Government, have applied to this House, for a Charter of Incorporation, and a donation of Lands, for the purpose of establishing and endowing a College and Charity School, in the Borough of Lancaster: And, Whereas, the preservation of the principles of the Christian Religion, and of our Republican form of Government, in their purity, depends, under God, in a great measure, on the establishment and support of suitable places of Education, for the purpose of training up a succession of youth, who, by being enabled fully to understand the grounds of both, may be led, the more zealously, to practice the one, and the more strenuously, to defend the other. Therefore,

SECTION 2. *Be it Enacted, and it is hereby enacted, by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That there shall be, and hereby is, erected and established in the said Borough of Lancaster, in the county of Lancaster, in this State, a College and Charity School, for the Instruction of youth, in the German, English, Latin, Greek, and other learned languages; in Theology, and in the useful Arts, Sciences, and Literature. The stile, title and constitution of which College shall be, as is hereinafter set forth: that is to say:—

FIRST: From a profound respect for the talents, virtues, and services, to mankind in general, but more especially, to this Country, of his Excellency, BENJAMIN FRANKLIN, Esquire, President of the Supreme Executive Council, the said College shall be, and hereby is, denominated, "Franklin College."

SECOND: That the said College, shall be under the management, direction, and government, of a number of Trustees, not exceeding forty-five, or a Board or quorum thereof, as hereinafter mentioned.

THIRD: That the first Trustees of the said College, shall consist of the following persons, to wit: The Honorable Thomas Mifflin, Esquire; The Honorable Thomas McKean, Esquire, Doctor of Laws; The Reverend Doctor John Henry Christian Helmuth; The Reverend Caspar Weiburg; The Reverend Henry Muhlenberg; The Reverend William Handell; The Reverend Nicholas Kurtz; The Reverend George Trokinier; The Reverend John Herbst; The Reverend Joseph Hutchins; The Reverend Frederick Weyland; The Reverend Albertus Helfenstine; The Reverend

William Ingold; The Reverend Jacob Van Buskirk; The Reverend Abraham Blumer; The Reverend Frederick Dalecker; The Reverend Christopher Emanuel Shultz; The Reverend John B. Cousie; Peter Muhlenberg, Esquire; The Reverend Frederick Valentine Miltzeimer; John Hubley, Esquire; Joseph Hiester, Esquire; Caspar Shaffner; Peter Hooffnagle, Esquire; Christopher Crawford; Paul Zantzinger; Adam Hubley, Esquire; Adam Reigart; Jasper Yeates, Esquire; Stephen Chambers, Esquire; The Honorable Robert Morris, Esquire; George Clymer, Esquire; Philip Wager; The Honorable William Bingham, Esquire; William Hamiton; William Sheaf; Doctor Benjamin Rush; Daniel Hiester, Esquire; William Rawle, Esquire; Lewis Farmer, Esquire; Christopher Kucher; Phillip Groenwaldt; Michael Hahn; George Stake, Senior, Esqr.; Jolia Musser: Which said Trustees, and their successors, to be elected in manner hereinafter mentioned, are hereby erected, established and declared, to be one body politic and corporate with perpetual succession in deed and in law, to all intents and purposes whatsoever, by the name, stile, and title, of "The Trustees of Franklin College in the Borough and County of Lancaster," by which name and title the said Trustees and their successors, shall be competent and capable at law and in equity to take to themselves and their successors, for the use of the said College, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, monies, or other effects, by the gift, grant, bargain and sale, conveyance, assurance, devise, or bequest, of any person or persons whatsoever: Provided, the same, do not exceed, in the whole, the yearly value of Ten Thousand Pounds, valuing one Portugal half Johannes, weighing nine Pennyweight, at three pounds, and the same messuages, lands, tenements, hereditaments, and estate real and personal, to grant, bargain and sell, convey, assure, demise and to farm let, and place out on interest, or otherwise dispose of, for the use of the said College, in such manner, as to them, or, at least seven of them, at an annual or adjourned meeting assembled, shall seem most beneficial to the institution; and to receive the rents, issues, profits, interest and income of the same; and to apply the same to the proper use and support of the said College; and, by the same name, to sue, prosecute, and defend, implead and be impleaded in any Courts of law or equity; and generally, by the same name to do, and transact, all and every the business concerning the premises, or incidentally necessary thereto, as fully and effectually, as any natural person or body politic or corporate, within this Commonwealth, have power to manage their own concerns.

FORTH.—The said Trustees shall cause to be made, for their use, one common seal, with such devices and inscriptions thereon, as they shall think proper, under, and by which, all deeds, diplomas, certificates and acts of the said Corporation, shall pass and be authenticated, and the same seal at their pleasure to break, and make a new one.

FIFTH.—That the said Trustees, or any nine of them, shall meet at the Borough of Lancaster, on the fifth day of June next, for the purpose of concerting and agreeing upon such business, as, in consequence of this Act, it may be necessary to transact, and shall have power to adjourn from time to time, as they shall see cause, to any other times and places, for the purpose of completing the same.

SIXTH.—That there shall be a meeting of the said Trustees held, once in every year at least, at the Borough of Lancaster, at such time as the said Trustees or a quorum thereof shall appoint, of which notice shall be given after the first meeting, either by public advertisements, in two of the newspapers of this State, or by notice in writing signed by the Clerk

Franklin & Marshall College 9-28-129.

or other officer of the Trustees, for that purpose to be appointed, and sent to each Trustee, at least twenty days before the time of such intended meeting; and if, at such meeting, nine of the said Trustees, shall not be present, those of them who shall be present, shall have power to adjourn the meeting, to any other day, as fully and effectually, to all intents and purposes, as if the whole number of Trustees, for the time being, were present; but if nine or more of the said Trustees, shall meet at the said appointed times, or at any other time of adjournment, then, such nine Trustees shall be a board or quorum, and a majority of the votes of them, shall be capable of making and enacting Ordinances, for the government of the said College—of electing Trustees in the place, or stead, of those who shall resign, or otherwise vacate their places—of electing and appointing the Principal, Vice Principal, and Professors—of agreeing with them, for their salaries and stipends, and removing them for misconduct, or a breach of the Laws of the institution—of appointing committees of their own body to carry into execution all, and every, the resolutions of the board—of appointing a Treasurer, Secretary, Stewards, Managers, and other necessary and customary officers for taking care of the estate, and managing the concerns of the said corporation—and, generally, a majority of the voices of the said board or quorum of Trustees, at any annual or adjourned meeting, after notice given, as aforesaid, shall determine all matters and things, not otherwise provided for by this act, occasionally arising and incidentally necessary to be determined and transacted by the said Trustees: Provided always, that no ordinances shall be of force, which shall be repugnant to the Laws of this State.

SEVENTH.—That neither the Principal, Vice Principal, nor Professors of the said College, while they remain such, shall be capable of holding the office of Trustee; and if any Trustee of the said College, for the time being, shall accept the office or appointment of Principal, Vice Principal, or Professor, of the said College, it shall be deemed and taken to be a resignation of the office of Trustee, and, in such case, a new election of a Trustee in the place of him, so taken and construed to have resigned the same office, shall be held, in such time and manner, as, by the future ordinances of the said College, shall be ordained and established.

EIGHTH.—The Principal, Vice Principal, and Professors, of the said College shall be stiled, the Principal Vice Principal and Professors, of Franklin College in the Borough and County of Lancaster, and the name, stile, and title, of the body or faculty composed of the said Principal, Vice Principal and Professors, shall be, "The Faculty of Franklin College, in the Borough and County of Lancaster," which Faculty, shall have the power of enforcing the rules and regulations, adopted by the Trustees for the government of the pupils, by rewarding or censuring them, and finally, by suspending such of them, as, after repeated admonitions, shall continue disobedient and refractory, until the determination of a quorum of Trustees can be had; and of granting and confirming by and with the approbation and consent of a board of trustees signified by their mandamus, such degrees in the liberal Arts and sciences of such pupils of the said College, or other persons, who, by their proficiency in learning, or other meritorious distinctions they shall think entitled to them, as are usually granted and conferred in other Colleges in America or Europe; and to grant to such graduates, Diplomas or Certificates, under their common seal, and signed by the Faculty, to authenticate and perpetuate the memory of such graduation.

NINTH.—Fifteen of the Trustees of the said College, shall, forever hereafter, be chosen from the members of the Lutheran Church, and the

like number from the members of the Reformed or Calvinist Church; the remainder of the said Trustees shall be chosen from any other society of Christians: Provided, always, That no person, not an inhabitant of this state, shall be capable of being elected one of the aforesaid Trustees; and if any of the said Trustees, now appointed, or hereafter elected, shall wholly remove from this State, and settle elsewhere, such Trustee, from and after the space of one year from such removal, shall be deemed to have resigned his said office, and a new Trustee in the place of him so removed from this State, shall be elected in such time and manner, as, by the future ordinances and regulations of the said College, shall be ordained and established.

TENTH.—The Principal of the said College, shall forever hereafter be chosen alternately from the Lutheran and Reformed or Calvinist churches, unless such of the Trustees as are, or shall be, members of those two churches, at an annual or adjourned meeting assembled, shall unanimously agree to elect and appoint two or more persons in succession, of the same religious denomination, or some suitable person of any other society of Christians.

ELEVENTH.—In order to secure to this Seminary, the beneficial effects, which have been generally found to result from the zealous and industrious exertions of the members of the Clergy, in the education of youth, whenever the seat of a clergyman hereby appointed, or hereafter to be elected a Trustee of the said College, shall become vacant, such vacancy shall be filled by the election of another Clergyman in his place, so, nevertheless, that the aforesaid proportion of Lutheran and Reformed or Calvinist trustees be invariably preserved.

TWELFTH.—That nine of the said Trustees at an annual or adjourned meeting, shall have power to institute and establish such officers of the said College, not hereinbefore mentioned, or to vest such powers in the officers already herein mentioned, and allow such salaries and perquisites or additional salaries and perquisites, as the future exigencies of the College, may, from time to time, require.

THIRTEENTH.—To facilitate the acquisition of learning to all ranks of People, by means of a charity school, being one of the primary and fundamental objects of this institution, one sixth part of the Capital real and personal fund of the said College, not including the monies paid for tuition, shall be irrevocably appropriated, together with such gifts and bequests, as may be hereafter made to the said College for that special purpose, to the maintenance and support of a charity school, for children of both sexes, and all religious denominations, on the most liberal plan, consistent with the ability of the said College.

FOURTEENTH.—No misnomer of the said corporation, shall defeat or annul any gift, grant, devise or bequest of the said corporation, nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdictions and authorities, or any of them, hereby granted to the said Corporation, create or cause a forfeiture thereof.

SECTION 3. *And be it further enacted, by the authority aforesaid,* That the Constitution of the said College, herein declared and established, shall be and remain the inviolable Constitution of the said College forever, alterable only by an act of the Legislature of this State.

SECTION 4. *And be it further enacted, by the authority aforesaid,* That ten thousand acres of Land, together with six per centum allowance for Roads, set out and surveyed within the unappropriated lands of this State, be, and they are hereby granted to the said Trustees of "Franklin College," in the Borough and County of Lancaster; To have and to hold the same to them, their successors and assigns forever.

SECTION 5. *And be it further enacted by the authority aforesaid, That upon the applications of the said Trustees or of any person duly authorized by them, to the Secretary of the Land Office of this State, he shall, and is, hereby, required, to grant and issue, such and so many warrants, to be directed to the Surveyor General, requiring him to survey, or cause to be surveyed, for the Trustees of the said College, such and so many tracts of land, with such number of acres in each warrant, as shall be applied for at each application, in such places not otherwise appropriated by acts of Assembly of this Commonwealth, as shall in the whole, amount to the said quantity of Ten Thousand Acres, and the usual allowance, and the Surveyor General shall receive and enter all such warrants in his office, and issue copies thereof directed to his deputies in the different counties and districts within the State, and the said deputies shall duly execute the same, and make returns thereof and thereupon such proceedings shall be had, and Patents or grants of confirmation for the same, shall be issued and granted to the said Trustees of the said College, in like manner and form, and having like force and effect, as the like proceedings and patents, have been, and are, conducted and granted, in case of private persons making applications for, and taking up lands under the Laws of this Commonwealth, in such cases made and provided.*

SECTION 6. *And be it further enacted, by the authority aforesaid.— That all, and every, the tract and tracts of land, hereby directed to be surveyed for the use of the said College, shall be so done, at the charge of this State, and the Supreme Executive Council are hereby authorized and empowered to draw orders on the Treasurer of the State to pay and defray all the charges arising thereupon.*

Signed by order of the House.

THOMAS MIFFLIN, *Speaker.*

Enacted into a Law at Philadelphia, on Saturday, the 10th day of March, in the year of our Lord one thousand seven hundred and eighty-seven.

PETER ZACHARY LLOYD,
Clerk of the General Assembly.

SECRETARY'S OFFICE, }
Harrisburg, February 5th, 1828. }

I hereby Certify, that the above, and foregoing, is a true Copy of the Original Law, remaining on file and of record in said office.

Witness my hand and seal, the day and year aforesaid.

CALVIN BLYTHE, *Sec'y. of the Com'th.*

PENNSYLVANIA, SS.



J. AND'W SHULZE, In the name, and by the authority,
of the Commonwealth of Pennsylvania:

J. ANDREW SHULZE,

Governor of the said Commonwealth, To all to whom these presents shall come, sends greeting: Know ye, that CALVIN BLYTHE, Esquire, whose name is subscribed to the instrument of writing hereunto annexed, was, at the time of subscribing the same Secretary of, for, and in the said Commonwealth, duly appointed and commissioned. And full faith and credit ought to be given to his official acts accordingly.

Given under my hand, and the great Seal of the State, at Harrisburg, this fifth day of February, in the year of our Lord, one thousand eight hundred and twenty eight, and of the Commonwealth the Fifty Second. BY THE GOVERNOR,

JAMES TRIMBLE, *Deputy Sec'y.*